

I lunched last week with the senior executive for a Long Island or tenant. He said his town goes to criminal court to get an access warrant. He was as surprised New York does not generally try to get warrant to get access as I was surprised by that his town routinely moves to secure (and does obtain) the access warrants. While Queens Civic Congress proposed legislation to address the access issue, maybe DOB and the City Law Department just needs to look at how Long Island towns get it done. I mentioned the New York Times [article](#) on the Woodside fire which included [quotes](#) from me. We talked of what happens in his town when building inspectors are denied access by an owner.

- Corey Bearak, President, Queens Civic Congress

—
http://www.nydailynews.com/real_estate/2009/11/15/2009-11-15_thousands_of_hidden_deathtraps_why_illegally_divided_apts_run_rampant.html

Hidden deathtraps: After Flushing fire and 200K complaints, divided apartments still run rampant

BY [Benjamin Lesser](#) and [Brian Kates](#)
DAILY NEWS STAFF WRITERS

Originally Published: Saturday, November 14th 2009, 10:31 PM
Updated: Sunday, November 15th 2009, 2:25 PM

Each year, for the past three years, the city has received more than 20,000 complaints about illegal apartments.

Half of those investigations were closed without the Buildings Department ever being able to set foot inside, records show.

A fire that ripped through a maze-like warren in [Woodside, Queens](#), on Nov. 7 and killed three Bangladeshi immigrants shed a light on the city's failure to curb the decades-long growth of illegal apartments.

It's a failure that hinges on a little-known fact: owners can avoid penalties simply by not answering an inspector's door knock.

Increasingly, they don't.



Gabel for News

Kai Niu lives with his wife in a small bedroom that was carved from a living room in Flushing, Queens. He is pictured with his brother (far right) and nephew, who sit on the bed in the living room.



Gabel for News

Cleaning up the wreckage of an explosion in a private home on Leavitt Street in Flushing, Queens.

In fiscal year 2006, inspectors gained access 60% of the time, a city report shows. In each of the last three fiscal years, the figure has hovered at 50%.

Subdivisions can turn an ordinary apartment into a deathtrap. Illegal renovations blocked the escape of the victims in the Woodside apartment blaze.

That apartment had two prior inspections and was cited for violations - but nothing changed.

Often, the Daily News found, complaints had little effect. More than 200 properties across the city have 10 or more illegal-conversion complaints since 2005.

If inspectors fail to gain access on the first try, they must go back on a different day. If they fail twice, the case is closed.

In scores of cases, inspectors visited the same building for years without determining if illegal apartments are hidden inside.

Just a sampling:

- Inspectors responding to complaints about a brothel and illegal apartments on 18th Ave. in [Brooklyn](#) have visited 22 times without getting in.
- For nine years, inspectors responded to complaints about an illegal day care center with no fire exits in a complex on Ash Ave. in [Flushing, Queens](#). Building officials could never get in.
- Inspectors failed 10 times to get into a basement apartment on Fteley Ave. in the [Bronx](#) when a caller warned in January that exits were blocked. "There was a fire there recently and there are small children," the caller said. Inspectors tried twice more and failed. Case closed.

Thwarted inspectors leave a form telling the owner to make an inspection appointment. But in the Alice-in-Wonderland world of code enforcement, there's no penalty for ignoring it.

All over the city, homeowners are partitioning rooms and adding plumbing and kitchens to create off-the-books apartments.

"It's wrong, but a lot of people think it's the only way they can make it in this economy," said one Bronx landlord. "You have people subdividing all over the block."
The result is a firefighter's nightmare.

"When you go into a building, you expect a window or a fire escape or to be able to get through a door," said [FDNY](#) Department Chief Sal Cassano. "When you cut off that secondary egress, there is real danger."

In 2009 through last month, the FDNY has notified the Buildings Department of 566 illegal apartment conversions - up from 205 in all of last year.

Most housing experts blame the city's 3% vacancy rate, the cost of affordable housing and the influx of immigrants putting pressure on housing stock.

Take the two-story house at 1159 Manor Ave. in a largely [Caribbean](#) neighborhood in the Bronx. At least 18 complaints have been lodged about illegal apartments there since 2005. Not once has an inspector gotten inside, records show.

The News was unable to contact the owner, but neighbors' suspicions continue.

"Illegal apartments are all along here," said one neighbor. "They rent them for \$1,000 a month and don't pay taxes. You worry about fires. I see inspectors come. Nothing changes."

Buildings Department spokesman [Tony Sclafani](#) said the department has enhanced enforcement. Last year, the department issued 1,086 vacate orders related to illegal apartments, up from 738 in 2006 and 823 in 2007.

He said inspectors need a warrant to enter a building without permission, and judges require evidence such as multiple mailboxes and doorbells that's difficult to obtain without getting in.

Since 2002, the city has obtained only 107 such warrants, he said. That's about 13 a year.

When inspectors manage to catch property owners, compliance followup is spotty. Take the house at 42-38 65th St., next to the Nov. 7 death house.

The night of the fire, authorities found illegal apartments at 42-38 65th St.

In 1998, the owner paid an \$800 fine for having more tenants than allowed. Records cite "overdue compliance," meaning that the owner never submitted proof that the situation had been corrected.

bkates@nydailynews.com